

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

16 Cr. 10

JIAQIANG XU, :

Defendant. :

----- X
COUNT ONE

(Theft of Trade Secrets)

The Grand Jury charges:

1. From in or about November 2014, through on or about December 7, 2015, in the Southern District of New York and elsewhere, JIAQIANG XU, the defendant, with intent to convert a trade secret that is related to a product and service used in and intended for use in interstate and foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending and knowing that the offense would injure the owner of that trade secret, knowingly did steal, and without authorization appropriate, take, carry away, and conceal, and by fraud, artifice and deception obtain such information, and without authorization did copy, duplicate, sketch, draw, photograph, download, upload, alter, destroy, photocopy, replicate, transmit, deliver, send, mail, communicate, and convey such information, and attempted to do so, and aided and abetted the same, to wit, XU stole and converted to his own use the source code for a piece of proprietary software, which source code was a trade secret of a company for which XU previously worked.

(Title 18, United States Code, Sections 1832 & 2.)

FORFEITURE ALLEGATION

2. As a result of committing the offense alleged in Count One of this Indictment, JIAQIANG XU, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2323, any and all property constituting and derived from proceeds obtained directly and indirectly as a result of the offense, and any property used and intended to be used in any manner and part to commit and to facilitate the commission of the offense.

Substitute Assets Provision

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 2323; Title 21, United States Code, Section 853(p).)


FOREPERSON


PREET BHARARA
United States Attorney

